




RECEIVED  
JUN 30 2003  
TECH CENTER 600/2900  
PTOL 862 008-00

Please type a plus sign inside this box

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/852,416
		Filing Date	May 9, 2001
		First Named Inventor	Chaitan KHOSLA
		Group Art Unit	1639
		Examiner Name	P. Ponnaluri
Total Number of Pages in This Submission	5	Attorney Docket Number	300622000501

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Request for Corrected Filing Receipt (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Marked-up copy of Filing Receipt (2 page)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Return Receipt Postcard
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	 <b>25225</b> PATENT, TRADEMARK OFFICE
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	MORRISON & FOERSTER LLP Brenda J. Wallach - 45,193
Signature	
Date	May 28, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: May 29, 2003	Signature:  (Diane Blevins)



RECEIVED

JUN 3 0 2003

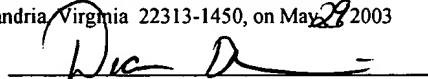
PATENT

Docket No. 300622000501

TECH CENTER 1600/2900

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 28, 2003

  
Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chaitan KHOSLA et al.

Serial No.: 09/852,416

Filing Date: May 9, 2001

For: MACROLIDE ANALOGS

Examiner: P. Ponnaluri

Group Art Unit: 1639

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The corrections needed are shown in bold below:

Please correct the priority claims as follows:

This application is a CON of  
which is a CIP of  
which is a CIP of  
which is a CIP of  
which is a CIP of  
and claims benefit of  
**This application 09/852,416**  
**is a CIP of**  
which is a CON of  
which is a CIP of

09/073,538 05/06/1998  
08/846,247 04/30/1997  
08/486,645 06/07/1995 PAT 5,712,146  
08/238,811 05/06/1994 PAT 5,672,491  
08/164,301 12/08/1993 ABN  
08/123,732 09/20/1993 ABN  
60/076,919 03/05/1998  
  
09/311,756 05/14/1999  
09/164,306 10/01/1998 ABN  
08/896,323 07/17/1997 PAT 6,066,721

which is a CIP of  
and claims benefit of

08/675,817 07/05/1996 PAT 6,080,555  
60/003,338 07/06/1995

A copy of the marked-up Corrected Filing Receipt is attached.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determine that a fee is required, application petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952.**

Respectfully submitted,

Dated: May 28, 2003

By:

Brenda J. Wallach  
Brenda J. Wallach  
Registration No. 45,193

Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-7961  
Facsimile: (858) 720-5125

RECEIVED

RECEIVED Page 1 of 2

JUN 11 2002

JUN 30 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENT

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/852,416	05/09/2001	1627	2230	300622000501	22	60	13

CONFIRMATION NO. 5252

CORRECTED FILING RECEIPT



\*OC000000008221761\*

Date Mailed: 06/03/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Chaitan Khosla, Palo Alto, CA;  
 Gary Ashley, Alameda, CA;  
 Hong Fu, Fremont, CA;  
 Camilla M. Kao, Palo Alto, CA;  
 Robert McDaniel, Palo Alto, CA;

\* No Docketing Required \*

Reviewed by Docketing

Initials

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/073,538 05/06/1998  
 WHICH IS A CIP OF 08/846,247 04/30/1997 PAT 6,391,594  
 WHICH IS A CIP OF 08/486,645 06/07/1995 PAT 5,712,146  
 WHICH IS A CIP OF 08/238,811 05/06/1994 PAT 5,672,491  
 WHICH IS A CIP OF 08/164,301 12/08/1993 ABN  
 WHICH IS A CIP OF 08/123,732 09/20/1993 ABN  
 AND CLAIMS BENEFIT OF 60/076,919 03/05/1998  
 AND IS A CON OF 09/311,756 05/14/1999  
 WHICH IS A CON OF 09/164,306 10/01/1998 ABN  
 WHICH IS A CIP OF 08/896,323 07/17/1997 PAT 6,066,721  
 WHICH IS A CIP OF 08/675,817 07/05/1996 PAT 6,080,555  
 AND CLAIMS BENEFIT OF 60/003,338 07/06/1995

THIS APPLICATION  
 09/852,416 →

CIP

## Foreign Applications

PCT/US98/14911 07/17/1998

If Required, Foreign Filing License Granted 10/17/2001

Projected Publication Date: 08/08/2002

Non-Publication Request: No

Early Publication Request: No

**Title**

Macrolide analogs

**Preliminary Class**

435

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

RECEIVED

JUN 30 2003

FILE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1800/2003

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov


Bib Data Sheet

CONFIRMATION NO. 5252

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/852,416	05/09/2001	435	1639	300622000501
RULE				

## APPLICANTS

Chaitan Khosla, Palo Alto, CA;  
 Gary Ashley, Alameda, CA;  
 Hong Fu, Fremont, CA;  
 Camilla M. Kao, Palo Alto, CA;  
 Robert McDaniel, Palo Alto, CA;

## \*\* CONTINUING DATA \*\*\*\*\*

This application is a CON of 09/073,538 05/06/1998 PAT 6,558,942  
 which is a CIP of 08/846,247 04/30/1997 PAT 6,391,594  
 which is a CIP of 08/486,645 06/07/1995 PAT 5,712,146  
 which is a CIP of 08/238,811 05/06/1994 PAT 5,672,491  
 which is a CIP of 08/164,301 12/08/1993 ABN  
 which is a CIP of 08/123,732 09/20/1993 ABN  
 and claims benefit of 60/076,919 03/05/1998  
 This application 09/852,416  
 is a CIP of 09/311,756 05/14/1999 PAT 6,500,960  
 which is a CON of 09/164,306 10/01/1998 ABN  
 which is a CIP of 08/896,323 07/17/1997 PAT 6,066,721  
 which is a CIP of 08/675,817 07/05/1996 PAT 6,080,555  
 and claims benefit of 60/003,338 07/06/1995

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

UNITED STATES OF AMERICA PCT/US98/14911 07/17/1998

## IF REQUIRED, FOREIGN FILING LICENSE GRANTED

\*\* 10/17/2001

Foreign Priority claimed	<input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance	CA	22	60	13
Verified and Acknowledged	Examiner's Signature	Initials			

## ADDRESS

25225

## TITLE

Macrolide analogs

FILING FEE RECEIVED

FEES: Authority has been given in Paper  
 No. \_\_\_\_\_ to charge/credit DEPOSIT ACCOUNT

☐ All Fees☐ 1.16 Fees ( Filing )☐ 1.17 Fees ( Processing Ext. of time )

2230	No. _____ for following:	<div><input type="checkbox"/> 1.18 Fees ( Issue )</div> <div><input type="checkbox"/> Other _____</div> <div><input type="checkbox"/> Credit</div>
------	--------------------------	--